

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE HERLEY INDUSTRIES INC.
SECURITIES LITIGATION

CIVIL ACTION

No. 06-2596 (JRS)

CLASS ACTION

**PLAINTIFFS' MOTION IN LIMINE TO PRECLUDE DEFENDANTS
FROM ASSERTING RELIANCE ON THE ADVICE OF COUNSEL
AS A DEFENSE IN THIS ACTION**

Plaintiffs hereby move, pursuant to Rule 103 of the Federal Rules of Evidence and Rule 37 of the Federal Rules of Civil Procedure, the December 17, 2009 declaration of Ira M. Press, Esq., and plaintiffs' accompanying Memorandum of Law, for an order *in limine* precluding defendants from: (i) asserting or otherwise relying on the advice of counsel defense at any stage in this litigation, and (ii) eliciting any testimony on this issue. The grounds for the Motion are set forth in the accompanying Memorandum of Law, which is incorporated by reference.

Dated: December 17, 2009
New York, New York

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